

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of:	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Charleston County School District	)	File Nos. SLD - 399988,
Charleston, South Carolina	)	400066, 400095, 400135,
	)	400148, 400166, 400185,
	)	400199, 420054, 420158,
Schools and Libraries Universal Service	)	420266, 421719, 421919,
Support Mechanism	)	423536, 424838, 429071
	)	
	)	
	)	CC Docket No. 02-6

To: Telecommunications Access Policy Division, Wireline Competition Bureau

**REQUEST FOR REVIEW OR WAIVER**

Charleston County School District ("School District"), by its representative, hereby requests that the Commission review the Decisions on Appeal of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company in the above referenced matter and remand it to SLD for further processing.<sup>1</sup> Alternatively, the School District requests that the Commission waive its rules, as necessary, and remand this matter to SLD for further processing.

The SLD rejected virtually all of the School District's 2004 Funding Year requests because, according to the SLD, the School District missed its May 26, 2004

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<sup>1</sup> Decisions on Appeal dated December 20, 2004, attached hereto as Exhibit 1. To preserve its right of appeal in connection with Form 471 No. 424838, the School District includes it here. The SLD sent the School District only the first page of that Decision, and whether or not the appeal was granted is not, unfortunately, information that appears on that page. On January 10, 2005, the School District requested a copy of the Decision (SLD Case #21-189-234), but it has not yet received a reply. Of course, if the SLD granted the appeal, the School District's intention is not to include it here. On the other hand, one of the Form 471s that the SLD rejected, No. 430673, is not in issue here because the School District requested that it be withdrawn before the SLD issued its Decisions on Appeal.

deadline to respond to an E-rate Selective Review Information Request. All of the SLD's decisions should be reversed because they rest on the same factually flawed foundation, namely, that the School District missed this deadline. The record in this case includes undisputed, unequivocal, direct evidence to the contrary. That evidence is a statement, in writing, by the SLD's authorized representative to whom the SLD assigned dominion and control over this matter. In that statement, the SLD's authorized representative granted to the School District additional time past the May 26<sup>th</sup> deadline to respond. Therefore, as a matter of fact, the School District did not violate the SLD's administrative rule.

As a matter of law, the SLD's decisions are arbitrary and capricious and an abuse of discretion and thus violate the Administrative Procedures Act. Each of the SLD's decisions turns entirely on a finding that the School District violated the SLD's Seven-day Response Rule. The School District contends that the SLD adopted this administrative rule in an arbitrary and capricious manner, that the SLD generally administers and enforces this rule in an arbitrary and capricious manner, and that the SLD applied this rule against the School District in this case in the same relatively haphazard fashion.

This case, therefore, comes down to this. But for an alleged violation of an unenforceable SLD administrative rule, which the record shows the School District did not even violate, the School District would have had the opportunity to have most of its 2004 E-rate applications reviewed on their merits. Therefore, we respectfully submit, the only just, fair and legally correct outcome is for this matter to be remanded to the SLD for further processing.

## **I. FACTS**

On May 4, 2004, the SLD's Program Integrity Assurance Representative, Al Arauz ("Arauz"), sent an E-rate Selective Review Information Request for the 2004 Funding Year ("Selective Review Request") to Evelyn Mauldin ("Mauldin"), the School District's E-rate contact person.<sup>2</sup> The Selective Review Request demanded a wide

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<sup>2</sup> Page one of the seventeen page Selective Review document is attached hereto as Exhibit 2.

variety of detailed information and documentation that would require a great deal of time and attention from senior staff throughout the School District.

The Selective Review Request stated that it was “important” for the School District to respond completely by May 18, which was 14 calendar days from the date on the correspondence. The 14-day time frame for responding is what the SLD later referred to as its seven-day response requirement. Although it was reasonable to infer from the tone and nature of the letter that there would be consequences for failing to respond within 14 days, the Selective Review Request did not state what those consequences would be. Nor did it indicate whether extension requests would be considered. Ultimately, the School District learned and indeed very much appreciated that the SLD’s practice was to grant extensions, both *sua sponte* and at the School District’s request. However, what the School District did not know then and what it still does not know today is by what standard or standards SLD staff judge extension requests.

It is not entirely clear what happened in the first few weeks after Mauldin received the Selective Review Request. In its Decisions on Appeal, the SLD found that Mauldin failed to respond to Arauz by May 18, the original deadline. We will assume for purposes of this Request for Review that Mauldin did not make successful contact with the SLD; whether or not she tried is an entirely different matter.<sup>3</sup> In any event, the issue is moot, as the SLD did not take any action against the School District on May 18, the Seven-day Response Rule notwithstanding.

Instead, on May 19, Arauz faxed a second notice to Mauldin advising the School District to “Please respond by 05/26/2004.”<sup>4</sup> Just as the initial notice had stated, this one also indicated that it was “important” for the School District to respond completely “within 14 calendar days of the date of this document.” Fourteen days from May 19, would have been June 2, 2004, not May 26, 2004. It did not state whether there would be consequences if the School District failed to respond on time or, if there were to be

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<sup>3</sup> See the Facts section of the School District’s Letter of Appeal filed with the SLD on August 5, 2004, attached hereto as Exhibit 3.

<sup>4</sup> See Exhibit 4, page one of Arauz’ second Selective Review Information Request.

consequences, what exactly those consequences would be. There was no reference to or discussion of extensions.

Whether Mr. Arauz routinely granted to applicants more time to respond, we do not know. Whether Mr. Arauz had standards that the SLD required him to follow if and when an applicant submitted an extension request to him, we also do not know. We do not know and have no way of knowing any of this because the SLD chooses not to make this information publicly available, and it failed or chose consciously not to share it with the School District at any time during the review process.

Arauz' second deadline based on the SLD's Seven-day Response Rule was understood to be May 26, despite the confusing "14-Day Response Expected" warning that appeared pre-printed on the form. Although there is evidence that School District staff unsuccessfully attempted to contact Arauz before May 26<sup>th</sup>, the SLD found that Mauldin still had not responded by that date. Nevertheless, Arauz apparently did not initiate any action against the School District at that time.

The following day, May 27, Arauz received an e-mail from Mauldin's secretary, Jennifer Holstein, stating that the School District intended to submit the requested information by June 1. Decisions on Appeal at para. 2. Unfortunately, the School District could not make the June 1 deadline; Mauldin claims she tried to stay in touch with Arauz to keep him informed about their efforts.<sup>5</sup>

Exactly what happened after May 27 inside the SLD is shrouded in fog. In its Decisions on Appeal, the SLD states that when the SLD failed to receive back by June 1 the information that Arauz had requested, "the application was denied." Decisions on Appeal at para. 2. No one at the SLD communicated this decision to the School District at that time. *Instead*, the SLD granted the School District more time to respond.

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<sup>5</sup> See Mauldin and Arauz e-mail correspondence, attached hereto as Exhibit 5.

As discussed in more detail below, the SLD granted an extension to the School District on June 8 and another one on June 15 and continued to stay in touch with the School District about its ongoing efforts to respond to the Selective Review Request.<sup>6</sup> Naturally, these facts belie the SLD's claim that someone at the SLD made an irreversible administrative decision on June 1 to deny the School District's entire 2004 application.

The SLD's rationale for rejecting the School District's applications initially and, thereafter, for upholding that decision was that it "was *unable* to apply the extension to this application" because "[it] was in the commitment process."<sup>7</sup> (Emphasis added). Significantly, the SLD did not say that Arauz or anyone else at the SLD did not want to or intend to apply the extension to the School District's Selective Review Request. Instead, the SLD simply said (admitted), we were "unable" to apply it. Realistically, therefore, it appears that what really must have happened was that someone at the SLD started the School District's application down the rejection track prematurely and, once it started moving, the SLD's unforgiving system was "unable" to stop it.<sup>8</sup>

The so-called June 1 "decision" to reject the School District's application manifested itself in a group of Funding Commitment Decision Letters dated one week later, June 8. Those decisions did not reach anyone in authority at the School District until sometime around June 18.

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<sup>6</sup> See Arauz e-mails to Mauldin dated June 8 and 15, attached hereto as Exhibit 6

<sup>7</sup> The full text of this part of the Decisions is as follows: "As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application." Decisions on Appeal at para. 3.

<sup>8</sup> What we find especially puzzling is that the SLD, on appeal, singled out one or possibly two of the School District's Form 471 applications (#428632 and #424838) from among many, and without comment decided to continue processing them. They were the ones that the SLD rejected on June 22, rather than on June 8. Besides the dates on the SLD's decision letters, there is nothing relevant that distinguishes one group of applications/rejections from the other. The same Selective Review Request included all of them. Inasmuch as the SLD decided after the fact that indeed it both could and should have granted an extension of time to the School District to respond to the Selective Review request for two of the School District's Form 471 applications, we cannot fathom why that same thinking did not apply to the remainder of the School District's Form 471 applications. See section II. C below.

June 8 was a pivotal day filled with curious events. It was exactly one week after the SLD claims that it rejected the School District's application and the same day that the rejection letters were being prepared. Nevertheless, the SLD does not dispute that Arauz and Mauldin communicated that same day by e-mail about the status of the Selective Review Request. Mauldin explained to Arauz about recent unsuccessful efforts to contact him and about her continuing efforts to pull together the wealth of requested information. Arauz, for his part, acknowledged receiving a voice mail from Mauldin's secretary the week before. At 12:01 PM on June 8, Arauz concluded this e-mail exchange with Mauldin by granting to the School District another extension of time to respond to the Selective Review Request. His e-mail to Mauldin, attached hereto as Exhibit 6, read as follows:

Ms. Mauldin,

Please provide us the necessary documentation by the end of the week, that is Friday, June 11<sup>th</sup>.

Thanks,

Al Arauz

Thereafter, Mauldin continued to work on collecting and compiling the requested information. Unfortunately, she could not make the June 11 deadline either, but Arauz, continuing to be flexible and understanding, took no action against the School District that day. On June 12, Mauldin e-mailed Arauz to explain what had happened.<sup>9</sup> On June 15, Arauz replied, graciously agreeing to exercise his authority to extend the Selective Review Request deadline again (See Exhibit 6):

Ms. Mauldin,

You can proceed with mailing me what you have and then submit the remaining documents. I will be expecting your documents by mid-week.

Al Arauz

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<sup>9</sup> E-mail from Mauldin to Arauz, attached hereto as Exhibit 7.

On June 18, Mauldin, who was about to begin a twelve-week medical leave, e-mailed the School District's tech plan to Arauz, gave him the names and contact information of the School District officials who would be sending him budget and procurement documentation directly, identified who to contact in her absence, and explained that she would have to fax the four "fax-back" pages to him from a machine outside the School District, as offices were closed on Fridays during the summer.<sup>10</sup>

On or about that time, the School District received the June 8 rejection letters. They were brought immediately to the attention of the Director of Finance and the Chief Procurement Officer. The two senior officials were of course shocked to see them. This was not just because it had been their impression that there was more time to respond, but also because Mauldin had neglected to communicate to them about the urgency of the matter and what exactly was at stake by not responding more quickly. Up until then, these officials had no reason to know or even suspect that Mauldin's handling (or not handling) of this matter had placed the School District's entire 2004 application in jeopardy.

On June 28, with senior School District officials taking over control of responding to the Selective Review Request, the School District faxed to Arauz the final information still outstanding. The next day, surprisingly, the final group of rejection letters arrived -- these were dated June 22. The School District has no idea when the decision was made to reject this group of requests and nothing in any of the SLD's decisions sheds any light on this question.

## **II. DISCUSSION**

### **A. The SLD's Decision is Based on a Factual Error**

The SLD found that Mauldin's secretary told Arauz that he would receive the information he requested by June 1. When that failed to occur, the SLD explained, "SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the

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<sup>10</sup> E-mail from Mauldin to Arauz, attached hereto as Exhibit 8.

application was denied and forwarded for commitment.” See Decision on Appeal at para.2.

In its appeal, the School District emphasized among other things that the SLD’s June 8 rejection letters must have been issued in error. That explanation, the School District maintained, was the only logical one because Arauz, who was the SLD’s agent in charge of this matter, granted an extension to the School District, *in writing*, the exact same day -- plus additional ones thereafter. The SLD responded as follows:

On appeal, you have argued that CCSD was granted an extension to provide the requested Selective Review on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application.

The SLD’s statement is plainly and squarely at odds with the actions of Arauz, the SLD’s authorized agent, who the SLD clearly placed in charge of this matter. Arauz’ conduct repudiates completely any implication that an extension of time was somehow either unintended or impossible to deliver. Moreover, the SLD offers no legal authority for the proposition that it “was unable to apply the extension request to this application” simply because it was in the commitment process. It may have been difficult to do because of the way the SLD processes paperwork, but there is no contention that there was a legal impediment to taking this action. Indeed, there is conclusive evidence to the contrary, to wit, the SLD granted the School District’s appeal with respect to two Form 471s (#428632 and possibly #424838), and those two applications were covered by the *same* Selective Review Request as every other Form 471 at issue here.

No principal, including the SLD, may give an agent authority and then, after the fact, be permitted to deny that its agent had authority to act, if the agent was unmistakably acting within the scope of his or her authority, which Arauz clearly was doing. That the SLD designated Arauz to be its authorized agent to manage the School District’s Selective Review Request is clear. Both the initial and follow-up USAC/SLD Selective Review Selective Review Requests came from Arauz. His is the USAC/SLD name and contact Selective Review that appears on both forms. The District was instructed to and did in fact direct all of its correspondence to him, and every reply back



from the SLD came from him as well. Arauz gave the School District its first extension to May 26. Arauz received Holstein's e-mail on May 27 indicating the anticipated June 1 response date, and he was the one who decided, both on June 8 and June 15, to grant to the School District additional time to respond to the Selective Review Request. Finally and most important, the SLD in its Decisions on Appeal did not dispute that Arauz had authority to grant extensions generally or that he exceeded his authority by granting extensions specifically to the School District, including the ones he granted on June 8 and June 15.

The SLD did not say that it did not want to stop the process, but rather, only that it was "unable" to do so. Thus did the SLD intend to deny the School District's application on June 1 or did the denial result from an inadvertent data entry error that could not be reversed? Everything we know supports the proposition that this entire matter was the result of an unfortunate mistake. For example, if the SLD had actually intended to deny the School District's entire, multi-million dollar funding request on June 1, the Selective Review Request related to it immediately would have become moot. Why then did the SLD continue to process it? The SLD points out frequently that it has tens of thousands of applications to process and, therefore, must be able to deploy its resources efficiently. If the School District's application had really died that day, would Arauz have continued to spend his valuable time continuing to seek information from the School District about an application that was literally on its way out the SLD's door? That would not make any sense, and we refuse to believe that the SLD would waste its scarce administrative resources by having its agents continue to work on meaningless tasks.

It is evident, therefore, that the SLD's decision rests on an erroneous factual foundation, namely, that the SLD agent or agents in charge of managing the School District's Selective Review process intended to reject the School District's applications on June 8, 2004. While the evidence is inconclusive with respect to what exactly happened, the one thing that is abundantly clear is that someone entered the rejection decision into the SLD's system prematurely. Therefore, the SLD Funding Commitment Decision Letters dated June 8, 2004 never should have been issued. They were a mistake.

**B. The SLD's Decision is Arbitrary and Capricious**

When the SLD makes a decision pursuant to its delegated authority that is arbitrary and capricious, the Commission's obligation under the Administrative Procedures Act, 5 U.S.C. § 706(2)(A), is to reverse it. When there is no rational connection between the facts found and the decision made, that decision is said to be arbitrary and capricious. See *Natural Resources. v. U.S.*, 966 F.2d 1292, 1297 (9th Cir. 1992). A decision exercised according to one's "own will or caprice, and therefore conveying a notion of a tendency to abuse the possession of power" is arbitrary. <http://www.hyperdictionary.com/dictionary/arbitrary>. The SLD's decision to refuse to continue reviewing the School District's 2004 application on its merits after reviewing all of the relevant facts and circumstances in this case was arbitrary and capricious.

The E-rate program was designed specifically to help economically disadvantaged school districts like the Charleston County School District leverage their limited financial resources to help them procure advanced telecommunications and information services that they would otherwise not be able to afford. On May 4, 2004, the SLD initiated a Selective Review of the School District's 2004 E-rate application. *Less than one month later*, on June 1, 2004, millions of dollars in E-rate support that the School District was counting on vanished completely because someone at the SLD did something that the SLD says it could not undo. According to the SLD's Decisions on Appeal, someone "forwarded it [the School District's Form 471s] for commitment" (or, more accurately, no commitment) and, as a result, the SLD was "unable" to remove the School District's Form 471s from the no commitment process.

The School District does not dispute that its contact person, Evelyn Mauldin, should have done a much better job of managing its Selective Review response. And yes, the School District certainly wishes that Mauldin had been more credible and forthcoming with everyone involved, especially the senior school district officials to whom she reported. (Note that Mauldin no longer works for the School District.) Granted, all of this was extremely regrettable. However, regardless of how this matter was handled initially, the crucial fact remains that when other, more responsible school

district individuals took control of this process in mid-June, the response was completed fully by June 28. Considering the comprehensive nature of the SLD's Selective Review Request, the amount of money involved, the significance of it, and especially the time of year, taking *less than two months* to complete the entire process was really not that long – indeed the SLD routinely takes at least that long to process a service substitution request.

The irony in all this is that the SLD actually has a “summer” exception to its Seven-day Response Rule that it should have or could have applied here or, at the very least, factored into its decision-making process in order to reach a more rational, equitable result. This administrative exception states that, during the summer, the SLD will wait up to three months (Memorial Day to Labor Day) just to make an initial contact with someone in a school district.<sup>11</sup> It is interesting to note that the SLD says it is perfectly willing to wait three full months just to make an initial contact with someone at a school district but, in this case, insisted on rejecting almost an entire multi-million dollar application in less than 30 days after making initial contact with the School District's representative. It is also noteworthy that here: (1) the SLD managed to contact the School District fairly quickly; (2) the SLD *received a complete response* to its Selective Review Request within two months of making initial contact with the School

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<sup>11</sup> From the Friday before Memorial Day through the Friday following Labor Day, the SLD explains, it “will enforce deadlines for receipt of information only after we make a successful two-way contact with the applicant's contact person.” Under the “summer” exception, if the SLD cannot make contact or if staff necessary to provide information are unavailable, the SLD will “send a fax to the contact person notifying them that the affected form(s) cannot be processed, and appropriate decision letter(s) cannot be issued, until the additional information is received.”

*Deadline For Information Requests* (<http://www.sl.universalservice.org/reference/deadline.asp>)

The following is a notice that the SLD posted to its Web site on September 5, 2003, stating that the SLD would attempt again to make contact with the applicants that it could not make contact with over the summer and that it would resume applying its “normal deadline for information requests.”

“Deadline for Information Requests (9/5/03). Beginning Monday, September 8, the SLD will apply the normal deadline for information requests. The SLD will again attempt to contact applicants who were not successfully contacted during the summer period, using the applicant's preferred mode of contact. The SLD will then complete the information request process described in the Deadline For Information Requests posted in the Reference Area of this web site.”

(<http://www.sl.universalservice.org/whatsnew/2003/092003.asp#090503>)

See, also, USAC filing with the Commission dated October 29, 2004, listing SLD “administrative procedures that are currently used to lead to Schools and Libraries Support Mechanism funding decisions that are not explicitly stated in a Commission rule.” 7-Day Process, p.26, attached hereto as Exhibit 9.

District; and (3) one of the two months in which the School District was attempting to gather information was June, a “summer” month. If this does not paint a picture of an arbitrary and capricious decision-making process, we do not know what would.

**C. The SLD’s Decision is Based on a Rule that is Unenforceable**

**1. The SLD Adopted the Rule in an Arbitrary and Capricious Manner**

It appears that the SLD adopted the Seven-Day Response Rule with no input from the program’s beneficiaries or service providers. If the SLD did seek feedback, there is no public record indicating that such outreach ever occurred. There was no notice in the Federal Register. There was no notice on the SLD Web site.

To begin with, as the record in this case shows, it is not entirely clear whether the SLD’s rule is a 7-day rule or a 14-day rule. The original Selective Review Request gave the School District fourteen days to respond, not seven. In addition to the initial seven or fourteen days that the SLD gives applicants to respond, the SLD routinely grants at least one seven-day extension as well.<sup>12</sup> If that is the case, why not call it a 14-day or a 21-day rule, provide specific standards and clear guidelines with respect to extension requests, and thereby take more control over the process and eliminate the arbitrary nature of it? But first, however, the SLD should determine whether it needs one rule, two rules or more, depending on the nature of the information request. For example, while seven days may be enough time to respond to a request for a telephone bill or student enrollment information, seven days is certainly not enough time to respond fully and intelligently to a comprehensive Selective Review Request. Fourteen days, in our opinion and we suspect in the opinion of most time-strapped school districts, would also be too short a time to respond under most circumstances. With respect to deadlines for responding to Selective Review requests, this is only a small sampling of the kinds of issues that the SLD should have been discussing with E-rate stakeholders before promulgating a final, one-size rule that clearly does not fit all. While the SLD may be exempt from notice and

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<sup>12</sup> See USAC Administrative Procedures Filing at p.26, attached hereto as Exhibit 9.

comment rule making, good process and due process suggests that even procedural rule making will benefit from at least some limited public participation.

While the School District does not contest the SLD's authority to establish certain procedural rules, it does challenge the validity of the SLD's Seven-Day Response Rule. Because of the enormous amount of review work that the SLD must accomplish, it is essential for the SLD to have a rule like this. That is beyond dispute. However, the need for a procedural rule does not give an agency carte blanche to adopt any rule; there must be at least some evidence of due deliberation. Unfortunately, we see no evidence that any such deliberation preceded the initial application of the Seven-day Response Rule – or, for that matter, that the SLD has ever solicited any feedback concerning it.

The E-rate program is an extremely document-intensive program and, because of that, the SLD is constantly being bombarded by paper and electronic documents. Considering how long it takes the SLD generally to work its way through paper and electronic piles of any kind, it makes little sense, we contend, to slap a seven-day response time routinely on every single information request that the SLD generates, regardless of the nature of the request or the time of year. The Seven-day Response Rule's fatal flaw is that there is no rational connection between what the SLD intended for it to help create, that is, a fair and equitable means of achieving more administrative efficiency, and what the rule in practice actually encourages, namely, the creation of an arbitrary regulatory environment that, unfortunately, is neither fair nor equitable. In short, the Seven-day Response Rule affords the SLD simply too much unbridled discretion. It gives SLD application review staff free reign to give to any applicant, at any time and for any reason, a mere seven days to respond to any Selective Review request or risk losing all of the E-rate funding to which that applicant may be entitled. That, we submit, is the embodiment of an arbitrary rule.

**2. The SLD Administers the Rule in an Arbitrary and Capricious Manner**  
**(a) The SLD Fails to Provide Adequate Notice**

In support of its decision to reject the School District’s E-rate applications, the SLD reminded the School District of its authority “to put in place administrative measures to ensure the prompt resolution of applications.” The Seven-Day Response Rule, the SLD explained, is an example of a measure that it has adopted for this purpose. According to the SLD, the rule is publicly available in the SLD section of the USAC web site, Reference Area, “Deadline for Selective Review Requests.” That is incorrect. There is no link to “Deadline for Selective Review Requests” in the Reference Area of the SLD web site. Clicking on “Reference” leads to a menu that includes the item, “Deadlines.” Clicking on “Deadlines” link leads to the following three menu choices: (1) Service Delivery Deadlines and Extension Requests; (2) Form 486 Deadlines; and (3) Invoicing Deadlines and Extension Requests. If a link to “Deadline for Selective Review Requests” exists anywhere else in the Reference section (or anywhere else on the SLD Web site), it is not readily apparent.

We located the rule by following the link that the SLD provided in its Decisions: <http://www.sl.universalservice.org/reference/deadline.asp>. Curiously, the first paragraph of the rule states that “the SLD is committed to doing all we can to issue timely Funding Commitment Decision Letters *for Funding Year 2002*” (emphasis added) and goes on to discuss its goal of efficiently processing more than 36,000 Funding Year 2002 Form 471 applications. Presumably the SLD intended for this administrative rule to reach beyond the 2002 Funding Year, but besides being virtually impossible for an applicant to locate, the context in which the SLD discusses the rule makes it very confusing.

As mentioned above, the “Deadlines” section of the SLD web site includes links to three different procedural deadlines and for two of them, extensions of time are available. To help communicate this point to the applicant public clearly, the heading of each rule specifically refers to “Extension Requests.” In contrast, the SLD’s “Deadline for Selective Review Requests” makes no mention at all of extensions, either in the heading or in the text. As discussed in more detail below, whether extensions are

available and under what circumstances the SLD will grant them if they are available, is impossible to determine. The only reason the School District and other applicants happen to know that extensions for responding to Selective Review (and other) requests are available is the result of direct experience.

**(b) The SLD Fails to Provide Adequate Standards**

The Seven-Day Response Rule has no clear-cut standards or guidelines attached to it to govern extension requests or any other aspect of its administration. Because of this, a level of capriciousness is built into the application review process that has a tendency, we believe, to erode confidence in the system by causing applicants to wonder whether the SLD is treating every applicant equally.

There are no published SLD standards that explain to applicants clearly or even ambiguously when and how and under what circumstances extensions will be granted. Whether the SLD has decided, for example, to adopt and apply an "unavoidable and extreme circumstances" test in lieu of a "good cause" test to assess requests for extensions of time in which to respond is anyone's guess. Or perhaps the SLD applies a "good cause" test to first and second requests and an "unavoidable and extreme circumstances" test to any that come thereafter. Is cooperation enough to "buy" more time? If so, how does the SLD define "cooperation"? The problem, of course, is that no one outside the SLD knows the answer to any of these questions.

The sum and substance of what applicants know about how the SLD grants extensions is covered by a single line in a relatively obscure, difficult to find, fifty-two page document that USAC's general counsel submitted less than three months ago to the Commission.<sup>13</sup> That document listed the SLD's administrative procedures that the Commission has never explicitly codified, including, significantly, the Seven-day Response Rule or, as the SLD calls it there, the "7-Day Process." In it, the SLD states that "USAC will grant requests for reasonable extensions." We would expect no less;

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<sup>13</sup> See USAC Administrative Procedures Filing at p.26, attached hereto as Exhibit 9.

unfortunately, that is simply too vague, ambiguous and perfunctory a policy to stand up against even the most modest due process scrutiny.

If there is information available publicly anywhere else about the process of requesting extensions of time to respond to SLD Selective Review Requests, we could not find it. To the best of our knowledge and belief, the SLD has never shared any information about extension requests with the public. Thus the basic information necessary to provide applicants with even a modicum of due process notice remains very well hidden.<sup>14</sup>

**D. Whatever Reasoning the SLD Applied to Justify its Decision to Continue Processing Two of the School District's Form 471 Applications Should be Applied to All of the School District's Remaining Form 471 Applications**

The SLD issued one Selective Review Request that covered every one of the School District's 2004 Funding Year applications. The SLD issued Funding Commitment Letters in connection with all of those applications, most of them on June 8 and the remainder on June 22. The June 22 rejection letters covered two Form 471 applications and a relatively small portion of the School District's total overall 2004 request for funding.

On appeal and for reasons known only to the SLD, the SLD decided to deny the School District's appeal with respect to the Form 471 applications that the June 8 rejection letters covered, but to grant the appeal in connection with the two Form 471s (428632 and, we believe, 424838) that the June 22 rejection letters covered. Besides the

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<sup>14</sup> The reason the SLD's Seven-Day Response Rule fails the due process test is because it fails to answers a single one of the following questions: Will extension requests be considered? If so, to whom should the request be directed? Is there specific information that the request should or must include? In determining whether to grant a request, what standard will be applied? Are extensions ever granted automatically and, if so, under what circumstances? May a decision not to grant an extension be appealed and, if so, what is the procedure? Is the length of time of an extension discretionary or is it set? Assuming that more than one extension may be granted, is there a limit on how many may be granted?



fact that the SLD rejected one set of Form 471s on June 8 and the remaining two on June 22, there is no obviously apparent relevant difference between the two, and we are hard pressed to see how the different rejection dates by themselves could possibly have justified different outcomes. Obviously, however, something in the School District's appeal struck a chord with the SLD and, as a result, the SLD decided to continue processing two of the School District's Form 471s. The School District both appreciates and agrees with that finding.

Note that the SLD found sufficient merit in the School District's appeal to warrant it to decide to continue processing two of the Form 471s that Arauz had been asking questions about during the Selective Review process. Note, on the other hand, that the SLD found not enough merit in the appeal to warrant a decision to continue processing the remainder of the School District's applications that Arauz had also been asking questions about. As the Selective Review Request covered all of the School District's Form 471 applications and, moreover, as the deadline issues that the School District had to deal with during the Selective Review process likewise applied to all of its Form 471 applications, it follows logically and forcefully that whatever merit the SLD found in the School District's appeal must also apply to all of its Form 471 applications. Therefore, for this reason, as well as for all of the other reasons set forth and discussed herein, the SLD's decision not to continue processing the majority of the School District's Form 471 applications should be reversed.

### **III. REQUEST FOR WAIVER**

Alternatively, the School District requests that the Commission waive its rules and direct the SLD to continue processing all of the School District's Form 471 applications. Waiver of the rules under 47 C.F.R. § 1.3 "is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule." *Request for Review by Lynwood Unified School District* at p. 2 (rel. Oct. 8, 2002). In *Lynwood*, the Commission granted a waiver of the service extension deadline simply to "increase the likelihood that [the school district] may successfully utilize discounts available from the

schools and libraries universal service mechanism.” *Lynwood* at p.3. In sharp contrast, the issue in this case is not whether the School District will be able to successfully utilize discounts, but whether it will have the opportunity to receive them at all.

The School District is a large, urban, public school system with an extremely large number of economically disadvantaged students. It is exactly the kind of school system that the E-rate program was designed to help. Thus, to halt any further processing of this school district’s applications on questionable procedural grounds alone could not possibly serve the public interest.

The SLD has not found or even alleged that the School District violated a program rule or that its applications were deficient in any respect. The problem in this case is not substantive, but rather, revolves around the application of a procedural rule of dubious validity. Furthermore, the actions of the SLD and its agents in this case have generated considerable confusion, and indeed there are substantial questions as to what exactly the SLD intended to do and when it intended to do it.

With respect to the Selective Review process itself, a critical fact that is in danger of getting lost is the relatively short amount of time that the School District actually took to collect information, compile it, and respond to the Selective Review Request. Moreover, the fact that the School District completed its Selective Review response in only two-month’s time and during a time of year that the SLD anticipates having to wait routinely for three months or longer just to make contact with someone, has to speak volumes in terms of where the public interest in this matter clearly lies. Accordingly, in the alternative, the School District requests that the Commission waive its rules to permit further processing of the School District’s 2004 Funding Year applications.

### **III. CONCLUSION**


Reversal and remand for further processing is clearly the correct remedy in these circumstances. This result is squarely supported by the Commission’s recent line of cases, beginning with *Request for Review by Iroquois West School District 10*, File No. SLD-343292 (January 11, 2005). In that case, the Commission reversed the SLD’s

decision to deny the school district funding because the SLD had based its decision on an administrative rule of its own creation that the Commission concluded the SLD had no authority to enforce. Therefore, the Commission remanded the matter to the SLD.

For all of the foregoing reasons, the School District respectfully requests that the Commission reverse all of the SLD's Decisions on Appeal not to fund the School District's Form 471 applications and to remand the entire matter to the SLD with instructions to review the School District's response to its Selective Review Request, including budget information, and to complete the application review process as quickly as possible.

Respectfully submitted on behalf of:

**CHARLESTON COUNTY SCHOOL DISTRICT**

By: 

Orin R. Heend

Funds For Learning, LLC  
2111 Wilson Blvd. Suite 700  
Arlington, VA 22201

703-351-5070

February 16, 2005

cc: Maria L. Goodloe, PhD  
Superintendent of Schools  
Charleston County School District

F. Russell Doupnik  
Executive Director, Information Technology  
Charleston County School District

Alice F. Paylor  
Counsel  
Rosen, Rosen & Hagood, LLC  
P.O. Box 893  
Charleston, SC 29402

# EXHIBIT 1

**Universal Service Administrative Company**  
Schools & Libraries Division



### **Administrator's Decision on Appeal Funding Year 2004-2005**

December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:	Applicant Name:	Charleston County School District
	Billed Entity Number:	127168
	Form 471 Application Number:	424838
	Funding Request Number(s):	1175290, 1175757, 1175878, 1176498, 1176567, 1176622, 1176789, 1176844, 1176965, 1177013, 1178930, 1178963, 1179185, 1179219, 1179275, 1179319, 1179357, 1179442, 1179514, 1179597, 1179652, 1179709, 1179775, 1179826, 1179899, 1179939, 1179990, 1180044, 1180085, 1180128, 1180189, 1180309, 1180341, 1180372, 1180404, 1180465, 1180501, 1180538, 1180570, 1180616, 1180708, 1180742, 1180783, 1180821, 1180844, 1180884, 1180911, 1180948, 1188057, 1188066, 1188074, 1188087, 1188094, 1188117, 1188128, 1188139, 1188146, 1188158, 1188165, 1188173, 1188180, 1188187, 1188201, 1188251
	Your Correspondence Dated:	August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1175290, 1175757, 1175878, 1176498, 1176567,  
1176622, 1176789, 1176844, 1176965, 1177013,  
1178930, 1178963, 1179185, 1179219, 1179275,  
1179319, 1179357, 1179442, 1179514, 1179597,  
1179652, 1179709, 1179775, 1179826, 1179899,  
1179939, 1179990, 1180044, 1180085, 1180128,



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005

December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401



Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400166  
         Funding Request Number:            1094118  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:            1094118  
Decision on Appeal:                **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004.

However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 et. seq. To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 14 days in the initial request of May 4, 2004. Since CCSD did not respond to the initial request for information, SLD notified CCSD in its May 19, 2004 request that the information needed to be provided in 7 days. CCSD did not provide the requested information within 7 days; therefore, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference

Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company





Decision on Appeal:

**Denied in full**

Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding requests for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.
- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants

do not respond within this time period, SLD reviews the application based on the information before it.

- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 14 days in the initial request of May 4, 2004. Since CCSD did not respond to the initial request for information, SLD notified CCSD in its May 19, 2004 request that the information needed to be provided in 7 days. CCSD did not provide the requested information within 7 days; therefore, SLD denies your appeal.

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Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        420158  
         Funding Request Number:            1157778  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:            1157778  
Decision on Appeal:                **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
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Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        399988  
         Funding Request Number:            1093768  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:            1093768  
Decision on Appeal:                **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

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- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 14 days in the initial request of May 4, 2004. Since CCSD did not respond to the initial request for information, SLD notified CCSD in its May 19, 2004 request that the information needed to be provided in 7 days. CCSD did not provide the requested information within 7 days; therefore, SLD denies your appeal.

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Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company





Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:     Applicant Name:                     Charleston County School District  
         Billed Entity Number:             127168  
         Form 471 Application Number:     400148  
         Funding Request Number:         1094068  
         Your Correspondence Dated:       August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:             1094068  
Decision on Appeal:                   **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004.

However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

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Schools and Libraries Division  
Universal Service Administrative Company



## Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding requests for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.
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Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        420054  
         Funding Request Number:            1157535  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:                1157535  
Decision on Appeal:                      **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

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Schools and Libraries Division  
Universal Service Administrative Company



1170288, 1170312, 1170326, 1170354, 1170403,  
1170444, 1170470, 1170490, 1170514, 1170556,  
1170572

Decision on Appeal:

**Denied in full**

Explanation:

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Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400199  
         Funding Request Number:            1094243  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:                1094243  
Decision on Appeal:                      **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.

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Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400066  
         Funding Request Number:            1093994  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:                1093994  
Decision on Appeal:                      **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
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Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005

December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401



Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400135  
         Funding Request Number:            1094038  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:                1094038  
Decision on Appeal:                      **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 14 days in the initial request of May 4, 2004. Since CCSD did not respond to the initial request for information, SLD notified CCSD in its May 19, 2004 request that the information needed to be provided in 7 days. CCSD did not provide the requested information within 7 days; therefore, SLD denies your appeal.

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Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400095  
         Funding Request Number:            1093971  
         Your Correspondence Dated:         August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:                1093971  
Decision on Appeal:                      **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and

signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004.

However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 14 days in the initial request of May 4, 2004. Since CCSD did not respond to the initial request for information, SLD notified CCSD in its May 19, 2004 request that the information needed to be provided in 7 days. CCSD did not provide the requested information within 7 days; therefore, SLD denies your appeal.

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Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

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Schools and Libraries Division  
Universal Service Administrative Company





Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005



December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

Re:      Applicant Name:                      Charleston County School District  
         Billed Entity Number:                127168  
         Form 471 Application Number:        400185  
         Funding Request Number:            1094189  
         Your Correspondence Dated:        August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number:            1094189  
Decision on Appeal:                **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding request for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
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signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
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Schools and Libraries Division  
Universal Service Administrative Company

**Universal Service Administrative Company**  
Schools & Libraries Division

## Administrator's Decision on Appeal Funding Year 2004-2005

December 20, 2004

**Barbara G. Hess**  
**Charleston County School District**  
 75 Calhoun Street  
 Charleston, SC 29401



Re:      Applicant Name: Charleston County School District  
Billed Entity Number: 127168  
Form 471 Application Number: 420266  
Funding Request Number(s): 1188869, 1189005, 1189023, 1189038, 1189077,  
1189093, 1189110, 1189175, 1189209, 1189231,  
1189287, 1189299, 1189351, 1189370, 1189420,  
1189431, 1189450, 1189468, 1189487, 1189509,  
1189532, 1189660, 1189684, 1189712, 1189735,  
1189789, 1189807, 1189829, 1189847  
  
Your Correspondence Dated: August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1188869, 1189005, 1189023, 1189038, 1189077,  
1189093, 1189110, 1189175, 1189209, 1189231,  
1189287, 1189299, 1189351, 1189370, 1189420,  
1189431, 1189450, 1189468, 1189487, 1189509,  
1189532, 1189660, 1189684, 1189712, 1189735,  
1189789, 1189807, 1189829, 1189847

Decision on Appeal: **Denied in full**  
Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding requests for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further

state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.

- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that SLD requested documentation from Ms. Evelyn Mauldin, the authorized contact and signator on the Form 471, on May 4, 2004. This request instructed Ms. Mauldin that the request was time sensitive and that a response was expected no later than May 18, 2004. As Ms. Mauldin failed to respond, SLD sent a second request dated May 19, 2004. This request was also labeled time sensitive and instructed Ms. Mauldin to reply no later than May 26, 2004. Again, Ms. Mauldin failed to respond by the requested date of May 26, 2004. However, an e-mail was received from Ms. Jennifer Holstein on May 27, 2004 stating that the requested information would be sent "by Tuesday of next week" (June 1, 2004). As this information was not forthcoming, SLD was unable to determine if CCSD was in compliance with Program Rules. Therefore, the application was denied and forwarded for commitment. On appeal, you have argued that CCSD was granted an extension to provide the requested information on June 8, 2004. However, as this application was in the commitment process prior to the extension request, SLD was unable to apply the extension to this application. Your appeal has failed to provide evidence that SLD erred in its initial determination or that CCSD responded to SLD's requests for information in a timely manner.
- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp) This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
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Schools and Libraries Division  
Universal Service Administrative Company



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal**  
**Funding Year 2004-2005**

December 20, 2004

Barbara G. Hess  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401



Re:     Applicant Name:                     Charleston County School District  
         Billed Entity Number:             127168  
         Form 471 Application Number:     421919  
         Funding Request Number(s):       1163244, 1163298, 1163342, 1163419, 1163458,  
   1163494, 1163582, 1163664, 1163738, 1163739,  
   1163740, 1163908, 1163927, 1163960, 1163992,  
   1164023, 1164054, 1169014, 1169017, 1169019,  
   1169021, 1169025, 1169026, 1169031, 1169035,  
   1169038, 1169063, 1169066, 1169069, 1169073,  
   1169079, 1169081, 1169085, 1169087, 1169090  
   1169092, 1169094, 1169098, 1169100, 1169105,  
   1169125, 1169132, 1169140, 1169148, 1169159,  
   1169164, 1169168, 1169200, 1169206, 1169212,  
   1169231  
  
         Your Correspondence Dated:       August 5, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter (FCDL) for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):     1163244, 1163298, 1163342, 1163419, 1163458,  
   1163494, 1163582, 1163664, 1163738, 1163739,  
   1163740, 1163908, 1163927, 1163960, 1163992,  
   1164023, 1164054, 1169014, 1169017, 1169019,  
   1169021, 1169025, 1169026, 1169031, 1169035,  
   1169038, 1169063, 1169066, 1169069, 1169073,  
   1169079, 1169081, 1169085, 1169087, 1169090,  
   1169092, 1169094, 1169098, 1169100, 1169105,

1169125, 1169132, 1169140, 1169148, 1169159,  
1169164, 1169168, 1169200, 1169206, 1169212,  
1169231

Decision on Appeal:

**Denied in full**

Explanation:

- On appeal, you seek reversal of SLD's decision to deny your funding requests for failing to demonstrate that Charleston County School District (CCSD) had secured the necessary funding to pay its non-discounted portion of the charges. You state that on June 8, 2004, SLD granted CCSD additional time to respond to the Selective Review audit. You further state that an obvious error was made since funding commitment letters were issued on June 8, 2004 that denied substantially all of the district's 2004 funding requests. In support of your appeal, you have included copies of correspondence between CCSD and the Selective Reviewer and note that the District's technology associate, who had been coordinating CCSD's response to the Selective Review, went on a long term medical leave shortly after June 8, 2004. You ask that SLD rescind or reverse the June 8, 2004 and June 22, 2004 decisions and resume the Selective Review process as soon as possible.
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Schools and Libraries Division  
Universal Service Administrative Company

**USAC**
**Universal Service Administrative Company**  
 Schools & Libraries Division

<b>E-RATE SELECTIVE REVIEW INFORMATION REQUEST</b>			
<b>FUNDING YEAR 2004</b>			
<b>CASE # SR-2004-127168</b>			
To:	Evelyn Mauldin	From:	Al Arauz
Your Phone Number:	843-937-6465	My Phone Number:	973-428-7356
Your Fax Number:	843-937-6468	My Fax Number:	973-599-6515
Entity Name:	CHARLESTON COUNTY SCHOOL DIST	My E-Mail Address:	aarauz@sl.universalservice.org
Today's Date:	05/04/2004	Total Pages:	16
<b>PLEASE RESPOND BY: <del>05/18/2004</del> 5/26/04</b>			
Form 471 Application Number(s):	399988, 400066, 400095, 400135, 400148, 400166, 400185, 400199, 420054, 420158, 420266, 421719, 421919, 423536, 424838, 428632, 429071, 430673		
<b>PLEASE CALL TO CONFIRM THAT THIS DOCUMENT HAS BEEN RECEIVED IN ITS ENTIRETY.</b>			

**Time Sensitive – 14-Day Response Expected**

It is important that we receive all of the information requested within 14 calendar days of the date of this document so that we may complete our review of your funding request(s).

**Who can respond to this request for information**

This document requests information that must be provided by the applicant, or by the applicant's authorized representative. If the applicant is responding to this document, it must return the enclosed certification (Fax Back Page 4) to the Schools and Libraries Division (SLD) along with the requested material. If the applicant's authorized representative is responding to this document, the authorized representative must sign and return (1) the enclosed certification to SLD along with the requested material AND (2) a letter of agency or other agreement between the applicant and consultant authorizing them to act on the school or library's behalf.

**How to respond**

Please send your responses to the questions outlined on the following pages to:

Via Fax:	Via Expedited Mail:	Via email:
Al Arauz PIA Selective Review 973-599-6515	Al Arauz SLD 80 S. Jefferson Road Whippany, NJ 07981	aarauz@sl.universalservice.org

Thank you for your assistance as we work to assure the integrity of the Schools and Libraries Universal Service Support Mechanism. It is important that we receive all of the information requested within 14 calendar days. A checklist of the items requested in this document is included on Fax Back Page 4.

If you have any questions with regard to this request or these worksheets, please contact the reviewer at the phone number or email address listed above.

Box 123 – Correspondence Unit, 80 South Jefferson Road; Whippany, NJ 07981  
 Visit us online at: <http://www.sl.universalservice.org>

# EXHIBIT 3

August 5, 2004

VIA e-mail

Letter of Appeal

Schools and Libraries Division

Box 125 – Correspondence Unit

80 South Jefferson Road

Whippany, NJ 07981

- **Billed Entity Name:** **Charleston County School District**
- **Billed Entity Number:** 127168
- **Funding Year 2004:** 07/01/2004 – 06/30/2005
- **Form 471 Application Numbers  
(FCDL Dated 6/8/04):**  
399988, 400066, 400095, 400135, 400148, 400166,  
400185, 400199, 420054, 420158, 420266, 421719,  
421919, 423536, 429071, 430673
- **Form 471 Applications Numbers  
(FCDL Dated 6/22/04):**  
424838, 428632

## LETTER OF APPEAL

The Charleston County School District (“CCSD” or “District”) hereby appeals the June 8 and June 22, 2004 decisions of the Schools and Libraries Division of the Universal Service Administrative Company (“SLD”) in the above-captioned matter.

### I. SUMMARY

On June 8, 2004, the SLD granted CCSD additional time to respond to a 2004 Selective Review audit. This fact is undisputed and supported unequivocally by the record.

That same day, due to an obvious SLD systems error, funding commitment decision letters were issued that denied substantially all of the District's 2004 funding requests. This is not the first time that SLD systems have prematurely and mistakenly prepared decision letters rejecting funding requests. In one recent and notable example, SLD systems mistakenly rejected all of the applications refiled pursuant to the FCC's *Ysleta Order*. There, the SLD's response was impressive. Without requiring the applicants even to file appeals, it quickly and decisively conceded that a mistake had been made and embarked immediately upon a course of action designed to correct its error.

CCSD is not requesting special treatment, but it believes strongly that it is entitled to equal treatment. Accordingly, just as it did for the *Ysleta* refilers, the SLD should move quickly and decisively to correct its mistake in this case too. It should rescind all of the mistaken rejections, re-open the Selective Review, and afford the District a reasonable amount of time to ensure that it has responded fully, thoughtfully, and accurately to all of the SLD's requests for documents and information.

This reasonable, common sense approach serves the administrative needs of the SLD and the funding needs of the District, while at the same time furthering important policies of the program – that is, to give applicants every reasonable opportunity to demonstrate compliance, to fund applicants that abide by the rules, and not to deny funding for inadvertent clerical or unexpected systems errors. The hallmark of the E-rate Program should be “reasonable accommodation” and not “rush to judgment.” This will yield the best possible results for all E-rate stakeholders.

Finally, please note that the District's technology associate who had been coordinating CCSD's response to the Selective Review is on long-term leave from the District. Because of the timing of this staff member's leave, it is especially important that the District's technology leadership be given a sufficient amount of time to ensure that the District's response to the 2004 Selective Review Audit is complete. The District looks forward to the SLD remedying this matter quickly and to working closely with SLD staff to complete the Selective Review process in the most efficient, thoughtful and

fair manner possible. This should not take very long, as the District, by June 28, had already submitted everything that the SLD had requested initially, including detailed budget information.

## II. FACTS

- On May 4, 2004, the SLD sent CCSD a Selective Review questionnaire in connection with its 2004 Funding Year applications.
- Shortly thereafter, Evelyn Mauldin ("Mauldin"), CCSD's E-rate contact person, contacted Adolfo Arauz ("Arauz"), the SLD staff person assigned to the matter and asked for more time to respond, as she was about to leave on vacation.
- Arauz sent Mauldin a fax in which he agreed to extend the deadline for responding to May 26, 2004. (Exhibit 1)
- As the May 26 deadline approached, Mauldin and her Secretary, Jennifer Holstein, tried to contact Arauz to request an additional extension. They could not reach him directly, so they left him voice mail messages, requesting more time to respond. (See Exhibit 2, 6/08/04 e-mail from Mauldin to Arauz)
- On the morning of June 8, Arauz sent an e-mail reply to Mauldin. He acknowledged receiving a voice mail from Ms. Holstein early the previous week to the effect that the District was continuing to work on its Selective Review response. In addition, he confirmed receipt of the e-mail that Mauldin had just sent him. He did not, however, explain why he had failed to respond sooner to the messages that Mauldin and her secretary had been leaving for him. (See Exhibit 2, 6/08/04, 11:45 AM e-mail from Arauz to Mauldin)
- Mauldin immediately thanked Arauz for his reply and advised him that the District's response would be ready soon. (See Exhibit 2, 6/08/04 11:47 AM e-mail from Mauldin to Arauz)
- Arauz wrote back to Mauldin right away. In this e-mail, on behalf of the SLD, he agreed to extend the District's deadline for responding to the Selective Review Audit to June 11<sup>th</sup>. (See Exhibit 2, 6/08/04, 12:01 PM e-mail from Arauz to Mauldin -- *"Please provide us the necessary documentation by the end of the week, that is Friday, June 11<sup>th</sup>"*)

- Also on June 8<sup>th</sup>, but elsewhere in the SLD organization, something went wrong. On the same day that Arauz was granting to the District an extension of time to supply, among other things, complete budget and other information in response to the SLD's Selective Review Audit, another arm of the SLD was stamping out rejection letters to send to CCSD for failure to provide sufficient budget information. These FCDLs went out, notwithstanding that the CCSD Selective Review was still very much active and ongoing, according to the SLD staff person who was vested with responsibility to conduct the Review.
- The SLD sent 16 FCDL's to CCSD dated June 8, 2004 and another two dated June 22, 2004. The SLD rejected every FRN in every Form 471, and each time, the reason was the same (*See Exhibit 3, representative FCDLs*):

During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

- On June 12<sup>th</sup>, Mauldin e-mailed Arauz again, this time advising him regarding the status of her efforts, requesting that he extend the deadline into the following week, and asking for specific instructions on how to deliver the large amount of information that she was going to have to get to him. (*See Exhibit 2, 6/12/04 11:46 AM e-mail from Mauldin to Arauz*)
- On June 15<sup>th</sup>, Arauz agreed to give the District additional time: "You can proceed with mailing me what you have and then submit the remaining documents. I will be expecting your documents by mid-week." (*See Exhibit 2, 6/15/04 2:41 PM e-mail from Mauldin to Arauz*)
- Unfortunately, also at that time, Mauldin was about to begin a twelve-week medical leave. Consequently, on June 18, she e-mailed the District's tech plan to Arauz, gave him the names and contact information of the District officials who would be sending him budget and procurement documentation directly, identified who to contact in her absence, and explained that she would have to fax the four "fax-back" pages to him from a machine outside the district, as offices were closed on Fridays during the summer. (*See Exhibit 2, 6/18/04 4:16 PM e-mail from Mauldin to Arauz*)

- On or about that time, the District received the June 8 rejection letters (the June 22 rejection letters arrived on June 29). Naturally, those letters came as a complete shock to the District – first, because they were from June 8, a date relatively early in the review process, and second, because Mauldin had neglected to advise the Director of Finance and the Chief Procurement Officer as to the urgency of the matter and what exactly was at stake.
- The District decided to demonstrate its willingness to cooperate fully with the SLD by completing its Selective Review response, which it did on June 28 when the Chief Procurement Officer faxed the District's final procurement information to Mr. Arauz.

### III. DISCUSSION

- A. The SLD's decision not to fund any of the District's 2004 funding requests was premature because it made that decision while it was still in the process of auditing the District's 2004 applications. To correct this error, the SLD should rescind or reverse all of the 2004 rejection letters and complete the Selective Review.**

While a Selective Review of the District's 2004 applications was still very much active and ongoing, the SLD, by mistake, rejected those applications. To remedy this administrative error, the SLD should either rescind or reverse, as necessary, all of the rejection letters and continue the Selective and PIA Review process. This will ensure that the District, like other E-rate applicants, will have a fair and reasonable opportunity to present whatever documentation and information the SLD requires to satisfy itself that the District has complied with program rules, and that the SLD will not make a decision until it has fully reviewed the District's complete response.

The Selective Review Audit is a critically important part of the application review process and thus includes wide-ranging requests for documents and information. The SLD staff responsible for administering the CCSD Selective Review Audit were well aware that CCSD's entire multi-million dollar, 2004 funding year request rested on the outcome of this one, single, complex audit. Presumably, that is one reason why SLD staff were being careful to ensure that the District had a reasonable amount of time to

respond. Because the District's requests for deadline extensions were clearly reasonable under the circumstances, and because the District was cooperating fully with the SLD reviewer, consistent with SLD practice and procedure, the SLD agreed to give the District more time to compile, complete and submit its initial set of responses.

The SLD's June 8<sup>th</sup> and later decision to allow more time for the District to respond was certainly not unprecedented. To the contrary, especially during the summer months, the SLD routinely grants extensions of time to applicants, who are attempting in good faith to be responsive to a Selective Review Audit. A simple review of other Selective Reviews of school district applications, especially those of large, urban districts like CCSD, is sure to reveal a regular pattern of deadline extensions. This makes sense of course because the objective of every SLD audit, no matter who is performing it, is to ensure program compliance, and not to penalize the applicant unfairly.

Unfortunately, sometime on June 8<sup>th</sup>, a mistake was made. On June 8<sup>th</sup>, the same day that District personnel were busy collecting information to respond to the Selective Review Audit and the SLD's Mr. Adolfo Arauz was sending an e-mail to the District specifically granting the District additional time to respond to the Audit, somewhere in the SLD a computer was generating FCDLs that would deny virtually all of CCSD's 2004 funding requests. Those FCDL's were premature at best. They explained, based on an incomplete record that the District had failed to demonstrate that it had secured access to sufficient funds to pay for its share of the cost of the services and equipment included in its applications.

Obviously, the SLD's system generated those FCDLs by mistake. CCSD believes that one of two things must have caused this to happen. One possibility is that the FCDL's resulted from a simple clerical error. Another is that the rejection letters grew out of a "rush to judgment" administrative environment fostered by new performance goals and incentives that the SLD has placed on its application processing contractor. While the District prefers to believe it was the former, the actual reason is irrelevant.



Inasmuch as the SLD unambiguously granted to the District, in writing, an extension of time until *after* June 8<sup>th</sup> to respond to its audit request, it cannot, we submit, reject the District's applications the very *same* day. The arbitrary nature of an administrative action like that would be manifest and the inherent unfairness of it equally obvious.

The District was communicating with the SLD reviewer and was in the process of working with him to provide all of the requisite documentation and information. Moreover, the extensions he granted were not exceptional, as the SLD routinely grants deadline extensions, so long as the applicant is doing its best to cooperate. Further, during the summer, the SLD is even willing to wait months to process applications if the applicant's E-rate contact person is unavailable. Under the circumstances, there was clearly no compelling need for the SLD to rush to deny such a large, complex group of applications that involved potentially \$7,430,460 worth of E-rate discounts.

Finally, contrary to what the mistaken FCDLs allege, CCSD had secured the funds necessary to pay for its share of its anticipated 2004 E-rate supported purchases. When this matter is reopened, CCSD is prepared to clearly demonstrate that fact to the SLD.

**B. The Federal Communications Commission has never adopted a rule governing the amount of time that an applicant may have to respond to a Selective Review Audit. Furthermore, the Commission has no rule outlining the important procedural due process safeguards that an applicant is entitled to in the Selective Review process where all of its funding is at stake. Consequently, the SLD may and should reopen cases, like this one, where the circumstances clearly warrant it.**

In the absence of any Commission rule instructing the SLD as to how much time to give an applicant to respond to a Selective Review Audit and when and under what specific circumstances it may refuse to fund applications based on the failure of an applicant to respond, the SLD routinely exercises its own discretion. Historically, it appears, the SLD has applied an equitable standard, rather than a hard and fast legal one to these kinds of determinations. Thus, if the summer months make it difficult to contact an applicant, the SLD will allow more time. If an applicant is cooperating and being

responsive, it will grant more time. If there are extenuating circumstances, it will grant more time. While a less subjective approach with clearer rules and guidelines, we believe, might very well be preferable for addressing these kinds of deadline issues, the District is comfortable working within the existing procedural framework. That is because a fair and equitable solution in these unusual circumstances would clearly be to give the District another chance.

In this regard, note that Mauldin, the District's contact person, maintained regular contact with the SLD and requested extensions of time. She submitted documentation to the SLD and was careful to provide the SLD reviewer with the contact information of the other people in the District who would be supplying him with information in her absence. Could she have done better? Of course. Furthermore, this review occurred during the summer months, when it is often more difficult to reach people in a school district and thus more difficult to gather information. Finally, please note that it was not that certain senior District staff were not being responsive, but rather, it was simply that they had not been made aware of the deadlines and urgency involved in the requests from Mauldin for information. When they did become aware, they responded to the SLD's information requests immediately, even though their actions were effectively moot in light of the SLD rejection letters.

Accordingly, for all of the above reasons and consistent with SLD precedent (e.g., rescinding the *Ysleta Order* re-file FCDLs), CCSD requests that the SLD rescind or reverse the June 8<sup>th</sup> and 22<sup>nd</sup> FCDLs and resume the Selective Review process as quickly as possible.

Respectfully submitted,

CHARLESTON COUNTY SCHOOL DISTRICT

By:   
Barbara G. Hess  
Interim Executive Director of Information Technology

Barbara G. Hess  
Interim Executive Director of Information Technology  
Charleston County School District  
75 Calhoun Street  
Charleston, SC 29401

barbara\_hess@charleston.k12.sc.us  
843-937-6594  
843-937-6351 (fax)

**Exhibit 1****USAC****Universal Service Administrative Company**  
Schools & Libraries Division

<b>E-RATE SELECTIVE REVIEW INFORMATION REQUEST</b>			
<b>FUNDING YEAR 2004</b>			
<b>CASE # SR-2004-127168</b>			
To:	Evelyn Mauldin	From:	Al Arauz
Your Phone Number:	843-937-6465	My Phone Number:	973-428-7356
		My Fax Number:	
	CHARLESTON COUNTY SCHOOL DIST	My E-Mail Address:	aaarauz@sl.universalservice.org
Today's Date:	05/19/2004	Total Pages:	16
<b>PLEASE RESPOND BY:</b>	<b>05/26/2004</b>		
Form 471 Application Number(s):	399988, 400066, 400095, 400135, 400148, 400166, 400185, 400199, 420054, 420158, 420266, 421719, 421919, 423536, 424838, 428632, 429071, 430673		
<b>PLEASE CALL TO CONFIRM THAT THIS DOCUMENT HAS BEEN RECEIVED IN ITS ENTIRETY.</b>			

**Time Sensitive – 14-Day Response Expected**

It is important that we receive all of the information requested within 14 calendar days of the date of this document so that we may complete our review of your funding request(s).

**Who can respond to this request for information**

This document requests information that must be provided by the applicant, or by the applicant's authorized representative. If the applicant is responding to this document, it must return the enclosed certification (Fax Back Page 4) to the Schools and Libraries Division (SLD) along with the requested material. If the applicant's authorized representative is responding to this document, the authorized representative must sign and return (1) the enclosed certification to SLD along with the requested material AND (2) a letter of agency or other agreement between the applicant and consultant authorizing them to act on the school or library's behalf.

**How to respond**

Please send your responses to the questions outlined on the following pages to:

Via Fax:	Via Expedited Mail:	Via email:
Al Arauz PIA Selective Review 973-599-6515	Al Arauz SLD 80 S. Jefferson Road Whippany, NJ 07981	aaarauz@sl.universalservice.org

Thank you for your assistance as we work to assure the integrity of the Schools and Libraries Universal Service Support Mechanism. It is important that we receive all of the information requested within 14 calendar days. A checklist of the items requested in this document is included on Fax Back Page 4.

If you have any questions with regard to this request or these worksheets, please contact the reviewer at the phone number or email address listed above.

>>> "EVELYN MAULDIN" <[Evelyn\\_Mauldin@gmail.charleston.k12.sc.us](mailto:Evelyn_Mauldin@gmail.charleston.k12.sc.us)>  
06/08/04 11:30AM >>>  
\*\* High Priority \*\*

## Exhibit 2

Hello, Al. My secretary and I have left numerous voice mails for you over the last several weeks. Haven't heard from you, so I looked up your email. Hope this gets us in touch.

I am having a little setback in getting the building infrastructure information required as part of this response. We have 2 large construction management firms working for the District. I requested the information 3 weeks ago and have followed up several times. I have now escalated the request to the superintendent.

I hope that will produce rapid results and that I can finalize the response and get it to you by Friday.

Please acknowledge receipt of this email. And should you need to contact me via phone, my cell number is 843-200-7777. I am out at schools most of the day, so cell is the best way to reach me.

Thanks,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

CC: BRITTON, CONNIE; HOLSTEIN, JENNIFER; SHANNON, TERRI; WELCH,  
DEBORAH

>>> "Adolfo Arauz" <[AARAUZ@sl.universalservice.org](mailto:AARAUZ@sl.universalservice.org)> 06/08/04 11:45AM  
>>>

Ms. Mauldin,

I have noted that your assistant did in fact leave me a voice mail early last week stating that your were working on your Selective review response materials. This response acknowledges that your email dated 6-8-04 was received in my office.

Thanks,

Al Arauz  
Selective Review

>>> "EVELYN MAULDIN" <[Evelyn\\_Mauldin@gmail.charleston.k12.sc.us](mailto:Evelyn_Mauldin@gmail.charleston.k12.sc.us)>  
06/08/04 11:47AM >>>

Thank you so much. I should have this ready soon.

Ev

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

>>> "Adolfo Arauz" <[AAARAUZ@sl.universalservice.org](mailto:AAARAUZ@sl.universalservice.org)> 06/08/04 12:01PM  
>>>

Ms. Mauldin,

Please provide us the necessary documentation by the end of the week,  
that is Friday, June 11th.

Thanks,

Al Arauz



>>> "EVELYN MAULDIN" <Evelyn\_Mauldin@gmail.charleston.k12.sc.us> 06/12/04 11:46AM >>>  
Good morning, Al. I intended to email you yesterday (Friday), but lost my internet connection for several hours.

Our district is working 4 ten-hour days with Fridays off this summer. At close of business on Thursday, at 6:00 PM, I still had not received the information from the construction management firms. I know that their monthly budget reconciliation is due on the 15th and that they were focused on that last week. My thinking is that they should have provided me the information you require before that, but here we are.

Are you able to give me Monday to pressure them and Tuesday to compile for your report??? They do this to me every year when the SLD selective

review comes around.

Would you be willing to accept this report in stages or do you require a single package?

- The technology plan is 392 pages, too much too fax. I can email you the files or FedEx a printed copy.
- The RFP responses are only in print form and are huge, so they will have to be FedExed.
- The Fax-back pages can be faxed to you lacking the infrastructure budget info.
- The FY05 budget is due to be approved by the School Board on Monday night. I can probably provide you an official, approved copy by Wednesday, rather than an unapproved proposed copy.

Please let me know how you wish for me to procede.

Thanks,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

>>> "Adolfo Arauz" <AAFAUZ@sl.universalservice.org> 06/15/04 02:41PM >>>  
Ms. Mauldin,

You can proceed with mailing me what you have and then submit the remaining documents. I will be expecting your documents by mid-week.

Al Arauz

**From:** EVELYN MAULDIN  
**To:** Arauz, Adolfo  
**Date:** 6/18/04 4:16PM  
**Subject:** Re: Selective Review - 127168

AI, attached are the two parts of the CCSD 2004-2009 Master Technology Plan. Part 1 is the plan, Part 2 are the Appendices.

Terri Shannon, Director of Finance ([terri\\_shannon@charleston.k12.sc.us](mailto:terri_shannon@charleston.k12.sc.us)) will be sending you directly, the approved 2004-2005 budget.

Debbie Welch, Chief Procurement Officer, ([deborah\\_welch@charleston.k12.sc.us](mailto:deborah_welch@charleston.k12.sc.us)) will be sending you directly, all RFP/Bid documentation for Applications 430673-Avaya Systems, 420266-UPS, and 421719-EngineerServices.

Since the District is closed on Fridays this summer, I am on my way to the nearest fax machine I can use to fax the 4 fax-back pages.

I think this covers everything. Monday I will begin an extended medical leave for knee replacements and rehab. Contacts on my behalf are my assistant, Jennifer, [jennifer\\_holstein@charleston.k12.sc.us](mailto:jennifer_holstein@charleston.k12.sc.us), or our network director, Connie Britton, [connie\\_britton@charleston.k12.sc.us](mailto:connie_britton@charleston.k12.sc.us).

I hope I return to an E-rate implementation program in full swing!

Thanks for your patience,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

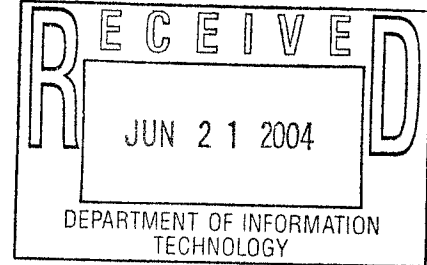


**Universal Service Administrative Company**  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**

(Funding Year 2004: 07/01/2004 - 06/30/2005)

June 8, 2004



Evelyn Mauldin  
CHARLESTON COUNTY SCHOOL DIST  
75 CALHOUN ST  
CHARLESTON, SC 29401-3506

**Re: Form 471 Application Number: 400166**  
**Funding Year 2004: 07/01/2004 - 06/30/2005**  
**Billed Entity Number: 127168**  
**Applicant's Form Identifier: YR7 Verizon Wireless**

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$6,946.61 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

**NEXT STEPS**

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

**TO APPEAL THIS DECISION:**

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the

Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

## A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

**FORM 471 APPLICATION NUMBER:** The unique identifier assigned to a Form 471 application by the SLD.

**FUNDING REQUEST NUMBER (ERN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

**FUNDING STATUS:** Each ERN will have one of the following definitions:

1. An ERN that is "Funded" is approved at the level that the SLD determined is appropriate for this ERN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An ERN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An ERN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An ERN that is "As Yet Unfunded" reflects a temporary status that is assigned to an ERN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on your Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

**SERVICE START DATE:** The date services were reported to start for this ERN on your Form 471.

**CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on your Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" ERNs.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

# FUNDING COMMITMENT REPORT

Form 471 Application Number: 400166  
Funding Request Number: 1094118 Funding Status: Not Funded  
Services Ordered: Telecommunications Service  
SPIN: 143000677 Service Provider Name: Verizon Wireless fka Cellco Par  
Contract Number: CI098.02.AMEN1  
Billing Account Number: 843-937-6465  
Service Start Date: 07/01/2004  
Contract Expiration Date: 06/30/2006  
Annual Pre-discount Amount for Eligible Recurring Charges: \$9,783.96  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$9,783.96  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Late response to SLD inquiries  
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.



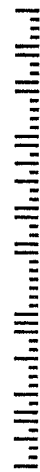


**USAC**

Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

**TIME SENSITIVE MATERIAL**

00052  
Evelyn Mauldin  
CHARLESTON COUNTY SCHOOL DIST  
75 CALHOUN ST  
CHARLESTON, SC 29401-3506



## IMPORTANT REMINDERS & DEADLINES

Date: June 8, 2004  
471 : 400166  
BEN : 127168

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

**FORM 486 DEADLINE** - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must be approved by the start of service for this funding year, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

**CHILDREN'S INTERNET PROTECTION ACT (CIPA)** - You must be in compliance with CIPA and cannot request a waiver, if FY2004 is your Third Funding Year for the purposes of CIPA.

**INVOICE DEADLINE** - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

**OBLIGATION TO PAY NON-DISCOUNT PORTION** - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

**RETAIN DOCUMENTATION** - Applicants must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
  - products and/or services delivered (e.g., customer bills detailing make, model and serial number),
  - resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
  - the specific location of each item of E-rate funded equipment, and
  - the applicant has paid the non-discount portion.
- These documents must be retained and available for review for 5 years.

**SUSPENSION AND DEBARMENT** - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

**FREE SERVICES ADVISORY** - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the Schools and Libraries Division (SLD) web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

**EXHIBIT 4****USAC****Universal Service Administrative Company**  
Schools & Libraries Division

<b>E-RATE SELECTIVE REVIEW INFORMATION REQUEST</b>			
<b>FUNDING YEAR 2004</b>			
<b>CASE # SR-2004-127168</b>			
To:	Evelyn Mauldin	From:	Al Arauz
Your Phone Number:	843-937-6465	My Phone Number:	973-428-7356
	CHARLESTON COUNTY SCHOOL DIST	My Fax Number:	
		My E-Mail Address:	aaarauz@sl.universalservice.org
Today's Date:	05/19/2004	Total Pages:	16
<b>PLEASE RESPOND BY:</b>	<b>05/26/2004</b>		
Form 471 Application Number(s):	399988, 400066, 400095, 400135, 400148, 400166, 400185, 400199, 420054, 420158, 420266, 421719, 421919, 423536, 424838, 428632, 429071, 430673		
<b>PLEASE CALL TO CONFIRM THAT THIS DOCUMENT HAS BEEN RECEIVED IN ITS ENTIRETY.</b>			

**Time Sensitive – 14-Day Response Expected**

It is important that we receive all of the information requested within 14 calendar days of the date of this document so that we may complete our review of your funding request(s).

**Who can respond to this request for information**

This document requests information that must be provided by the applicant, or by the applicant's authorized representative. If the applicant is responding to this document, it must return the enclosed certification (Fax Back Page 4) to the Schools and Libraries Division (SLD) along with the requested material. If the applicant's authorized representative is responding to this document, the authorized representative must sign and return (1) the enclosed certification to SLD along with the requested material AND (2) a letter of agency or other agreement between the applicant and consultant authorizing them to act on the school or library's behalf.

**How to respond**

Please send your responses to the questions outlined on the following pages to:

Via Fax:	Via Expedited Mail:	Via email:
Al Arauz PIA Selective Review 973-599-6515	Al Arauz SLD 80 S. Jefferson Road Whippany, NJ 07981	aaarauz@sl.universalservice.org

Thank you for your assistance as we work to assure the integrity of the Schools and Libraries Universal Service Support Mechanism. It is important that we receive all of the information requested within 14 calendar days. A checklist of the items requested in this document is included on Fax Back Page 4.

If you have any questions with regard to this request or these worksheets, please contact the reviewer at the phone number or email address listed above.

>>> "EVELYN MAULDIN" <Evelyn.Mauldin@char.k12.sc.us>  
06/08/04 11:30AM >>>  
\*\* High Priority \*\*

**EXHIBIT 5**

Hello, Al. My secretary and I have left numerous voice mails for you over the last several weeks. Haven't heard from you, so I looked up your email. Hope this gets us in touch.

I am having a little setback in getting the building infrastructure information required as part of this response. We have 2 large construction management firms working for the District. I requested the information 3 weeks ago and have followed up several times. I have now escalated the request to the superintendent.

I hope that will produce rapid results and that I can finalize the response and get it to you by Friday.

Please acknowledge receipt of this email. And should you need to contact me via phone, my cell number is 843-200-7777. I am out at schools most of the day, so cell is the best way to reach me.

Thanks,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

CC: BRITTON, CONNIE; HOLSTEIN, JENNIFER; SHANNON, TERRI; WELCH,  
DEBORAH

>>> "Adolfo Arauz" <[AARAUZ@sl.universalservice.org](mailto:AARAUZ@sl.universalservice.org)> 06/08/04 11:45AM

>>>

Ms. Mauldin,

I have noted that your assistant did in fact leave me a voice mail early last week stating that your were working on your Selective review

response materials. This response acknowledges that your email dated 6-8-04 was received in my office.

Thanks,

Al Arauz  
Selective Review

>>> "EVELYN MAULDIN" <[Evelyn\\_Mauldin@gmail.charleston.k12.sc.us](mailto:Evelyn_Mauldin@gmail.charleston.k12.sc.us)>  
06/08/04 11:47AM >>>

Thank you so much. I should have this ready soon.

Ev

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

# EXHIBIT 6

>>> "Adolfo Arauz" <[AARAUZ@sl.universalservice.org](mailto:AARAUZ@sl.universalservice.org)> 06/08/04 12:01PM

>>>

Ms. Mauldin,

Please provide us the necessary documentation by the end of the week,  
that is Friday, June 11th.

Thanks,

Al Arauz

>>> "Adolfo Arauz" <AAFAUZ@sl.universalservice.org> 06/15/04 02:41PM >>>  
Ms. Mauldin,

You can proceed with mailing me what you have and then submit the remaining documents. I will be expecting your documents by mid-week.

Al Arauz



# EXHIBIT 7

>>> "EVELYN MAULDIN" <Evelyn\_Mauldin@gmail.charleston.k12.sc.us> 06/12/04 11:46AM >>>  
Good morning, Al. I intended to email you yesterday (Friday), but lost my internet connection for several hours.

Our district is working 4 ten-hour days with Fridays off this summer. At close of business on Thursday, at 6:00 PM, I still had not received the information from the construction management firms. I know that their monthly budget reconciliation is due on the 15th and that they were focused on that last week. My thinking is that they should have provided me the information you require before that, but here we are.

Are you able to give me Monday to pressure them and Tuesday to compile for your report??? They do this to me every year when the SLD selective

review comes around.

Would you be willing to accept this report in stages or do you require a single package?

- The technology plan is 392 pages, too much too fax. I can email you the files or FedEx a printed copy.
- The RFP responses are only in print form and are huge, so they will have to be FedExed.
- The Fax-back pages can be faxed to you lacking the infrastructure budget info.
- The FY05 budget is due to be approved by the School Board on Monday night. I can probably provide you an official, approved copy by Wednesday, rather than an unapproved proposed copy.

Please let me know how you wish for me to procede.

Thanks,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

**EXHIBIT 8**

**From:** EVELYN MAULDIN  
**To:** Arauz, Adolfo  
**Date:** 6/18/04 4:16PM  
**Subject:** Re: Selective Review - 127168

Al, attached are the two parts of the CCSD 2004-2009 Master Technology Plan. Part 1 is the plan, Part 2 are the Appendices.

Terri Shannon, Director of Finance ([terri\\_shannon@charleston.k12.sc.us](mailto:terri_shannon@charleston.k12.sc.us)) will be sending you directly, the approved 2004-2005 budget.

Debbie Welch, Chief Procurement Officer, ([deborah\\_welch@charleston.k12.sc.us](mailto:deborah_welch@charleston.k12.sc.us)) will be sending you directly, all RFP/Bid documentation for Applications 430673-Avaya Systems, 420266-UPS, and 421719-EngineerServices.

Since the District is closed on Fridays this summer, I am on my way to the nearest fax machine I can use to fax the 4 fax-back pages.

I think this covers everything. Monday I will begin an extended medical leave for knee replacements and rehab. Contacts on my behalf are my assistant, Jennifer, [jennifer\\_holstein@charleston.k12.sc.us](mailto:jennifer_holstein@charleston.k12.sc.us), or our network director, Connie Britton, [connie\\_britton@charleston.k12.sc.us](mailto:connie_britton@charleston.k12.sc.us).

I hope I return to an E-rate implementation program in full swing!

Thanks for your patience,  
Evelyn

Evelyn L. Mauldin, Logistics and Operations Administrator  
Division of Information Technology  
Charleston County School District  
75 Calhoun Street, Charleston, SC 29401  
V: 843-937-6465 FAX: 843-937-6468  
"Achieving Performance EXcellence"

# EXHIBIT 9

## Universal Service Administrative Company Schools and Libraries Support Mechanism

### Administrative Procedures

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#### Overall

##### *Administrative Procedure:*

##### 7-Day Process

##### *Further Detail:*

USAC's information request process for all types of reviews of submissions by applicants includes standards used by reviewers when they request information and deadlines for applicants and service providers to respond to those requests. For most requests, applicants or service providers are asked to respond to the request in seven days. If the requested information is not received, a second seven-day notice is given. USAC will grant requests for reasonable extensions. If the deadline is still not met, or if the information that has been provided is incomplete, the reviewer will make a determination based on the information on hand. Special handling procedures exist for the summer months and for part of December, when applicants may be unavailable. During those times, reviewers must not only make live contact with the appropriate contact person but must also ask the contact if they are able to respond to the inquiry at that time, or if the question needs to be deferred.

##### *Rules that this furthers:*

1. The Commission has affirmed USAC's authority to put in place administrative policies to ensure prompt review of applicants and prevent the undue delay of the application process. *E.g., In re Request for Review by Nicholas County School District, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-220670, CC Dockets No. 96-45, 97-21, Order, ¶ 6 DA 02-3058 (2002). Once such policy is the seven-day policy. *See id.*
2. 47 C.F.R § 54.701(a) requires USAC to "administer[] the universal service support mechanisms in an efficient, effective, and competitively neutral manner."
3. 47 C.F.R. § 54.702(h) requires USAC to take "administrative action intended to prevent waste, fraud, and abuse."

##### *How this protects against waste, fraud and abuse:*

Efficient administration of the program reduces operating costs, thereby reducing waste of USF funds.